

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
IN THE COURT OF THE REGISTRAR COOPERATIVE SOCIETIES
OLD COURT BUILDING, PARLIAMENT STREET, NEW DELHI-
110001

F.NO. 47/GH/ 1112/ AR/SEC-1/GH/RCS/ 2022/4864

DATED 26/12/25

IN THE MATTER OF:

Jagat Singh

Petitioner

Versus

Dr. Dinabandhu Sahoo

Respondent

ORDER

This order shall dispose of the proceedings initiated vide show cause notice dated 23.08.2024 issued u/r 20 (1)(c)(i) & (iii) of DCS Rules, 2007 read with Section 87 and 41 (d) of the DCS Act, 2003 whereby Dr. Dinabandhu Sahoo was called upon to show cause as to why his membership in The Bhagwati CGHS Limited (Regn. No.1112/GH), Plot No.1A, Sector-22, Dwarka, New Delhi-110075 be not ceased on the ground that he owns another Property in Delhi.

The brief facts of the case are as under:-

1. Present petition u/r 20 (1)(c)(i) & (iii) of DCS Rules, 2007 read with Section 87 and 41 (d) of the DCS Act, 2003 was filed by one Sh. Jagat Singh alleging that Dr. Dinabandhu Sahoo (respondent No.1) who is a member of the Bhagwati CGHS Ltd. (respondent No.2) has another Property in Delhi bearing Flat No.90, Pkt-I, Sector-1, Dwarka, New Delhi and has thus incurred disqualification under the provision of law.
2. A show cause notice dated 23.08.2024 under the aforesaid provisions of law was issued to Dr. Dinabandhu Sahoo and a copy of the complaint was also provided to him to give reply to the same. In the reply, Dr. Sahoo has challenged the locus of the petitioner to file and maintain the petition. On merits, Dr. Sahoo has stated that he became a member of the Bhagwati CGHS Ltd. in the year 2000 and was assured that he would get a flat in the Society within a reasonable period. However, when he could not get his flat in the Bhagwati CGHS Ltd. even after more than five years, he and his wife, who is also a working woman, were forced to buy DDA SFS Flat No.90, on First Floor, situated at Sector-1, Pocket-1, Dwarka New Delhi vide registered sale deed dated 28.10.2005. Dr. Sahoo has further stated that the area of said flat is 82 sq. meter and is situated in a four storied building and his share in land is much less than 66.72 sq. meter as exempted under Rule 20 and has also relied upon judgments of Hon'ble High Court of Delhi in the cases of "Kallu Ram Sharma Vs. the Financial Commissioner" and "Bindya Aggarwal Vs. RCS" in support of his case. Dr. Sahoo further stated that he and his wife later gifted the said flat in favour of their son namely Sh. Chaitanya Sahoo S/o Dr. Dinabandhu Sahoo vide registered Gift Deed dated 12.11.2012 and therefore, he does not own any other property now. He has placed a copy of the gift deed alongwith his submission.



3. In nutshell, the stand of Dr. Dinabandhu Sahoo is that the area of Flat No.90, which is situated on first floor in a four storied building, is of 82 sq. meter and therefore his share in the land beneath the said Flat /building, if divided amongst four floors owners, is around 21 sq. meter, which is much less than 66.72 sq. meter and is therefore saved / exempted in view of proviso (a) to Rule 20(1) (c) (i) of the DCS Rules, 2007 and the above judgments. Relevant portion of Rule 20 (1) (c) (i) of the DCS Rules, 2007 reads as follows:

Rule 20 (1) (c) (a) of DCS Rules, 2007:

(1) No person shall be eligible for admission as a member of a co-operative society if he:-

(a)

(b)

(c) in the case of membership of a housing society:-

(i) owns a residential house or a plot of land for the construction of a residential house in any of the approved or un-approved colonies or other localities in the National Capital Territory of Delhi, in his own name or in the name of his spouse or any of his dependent children, on lease hold or free-hold basis or on power of attorney or on agreement for sale;

Provided that above clause shall not be applicable-

(a) in case of co-sharers of property whose share is less than 66.72 sq. metres of land or if the residential property devolves on him by way of inheritance;

(b) In the case of a person who has acquired on power of attorney or through agreement to sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned

(ii) deals in purchase or sale of immovable property either as principal or as agent in the National Capital Territory of Delhi; or

(iii) his spouse or any of his dependent children is a member of any other co-operating housing society.

4. The Hon'ble High Court of Delhi in the cases of "Kallu Ram Sharma Vs. The Financial Commissioner of Delhi" and "Bindya Aggarwal Vs. RCS & Anr", has also held that it is the share in land and not the area of flat in a multi-storied building which is to be seen while deciding the issue of disqualification.
5. The predecessor of this court, after relying upon above judgments, has also held, in a few other similar cases of this very Society, that no disqualification is incurred by the member if his / her share in the land is less than 66.72 sq. meter.
6. The petitioner has neither appeared on any of the dates in this case to pursue his petition nor filed any submissions or evidence hereafter to rebut the reply filed on



behalf of the respondent member, which indicates that petition is just a misuse of the process of law for some extraneous reasons.

In the light of the submissions and judgments filed by the respondent, the allegation made in the complaint against the respondent is found to be untenable in law and therefore, the complaint against the respondent is hereby dismissed and the show cause notice earlier issued to the respondent for cessation of his membership in the Bhagwati CGHS Ltd. stands withdrawn. As a result, Dr. Dinabandhu Sahoo continues to be a regular member of the Bhagwati CGHS Ltd.



26/1/25
Krishna Kumar Singh
Registrar Cooperative Societies, Delhi

Copy to:

1. Sh. Jagat Singh D-407, Sri-Durga CGHS Ltd. Sector-12, Dwarka, Delhi-75
2. Dr. Dinabandhu Sahoo, through President / Secretary of the Bhagwati CGHS Ltd., Plot No.1A, Sector-22, Dwarka, New Delhi-75
3. Asstt. Registrar (Sec-1), office of RCS.
4. Asstt. Registrar IT Cell, office of RCS.